

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KATHERINE MARTINEZ, individually and
behalf of all others similarly situated,

Plaintiff,

v.

NANDO’S RESTAURANT GROUP, INC.,

Defendant.

Case No. 1:19-cv-07012

Honorable Sara L. Ellis

**JOINT MOTION FOR ORDER UPON STIPULATION REGARDING
INADVERTENTLY OMITTED CLASS MEMBERS**

This Joint Motion for Order Upon Stipulation Regarding Inadvertently Omitted Class Members is presented by Plaintiff Katherine Martinez (on behalf of herself and all members of the Rule 23 Settlement Class), Defendant Nando’s Restaurant Group, Inc., and counsel for Named Plaintiff. In support of this Joint Motion, the Parties state:

1. On June 22, 2020, the Court granted preliminarily approval to the Parties’ Joint Stipulation and Class Action Settlement (“Settlement Agreement”), directed the Parties to send out notice to see if any class members objected to the settlement and scheduled a final approval hearing for October 28, 2020. [Doc. #43] The Parties promptly sent out notice to the 1,427 Class Members.

2. Defendant has since discovered that due to an archiving issue in its payroll system, it inadvertently omitted 372 individuals from the Settlement Class List, which was attached as Exhibit C to the Parties’ Settlement Agreement. [Doc #41-1 at PageID #:240]. These 372 individuals (“Inadvertently Omitted Class Members”) are listed on Exhibit A to this Motion.

3. The Parties recognize and agree that, had they been disclosed during the discovery process, these 372 Inadvertently Omitted Class Members would have properly fallen with the definition of

the Settlement Class of “all individuals who worked at a Nando’s restaurant in Illinois and who enrolled in the fingertip scanning feature of the Point of Sale device at any Nando’s location in the state of Illinois from May 20, 2015 to October 1, 2019.”

4. The Parties jointly stipulate and agree that the Inadvertently Omitted Class Members should be provided an opportunity to receive a settlement payment consistent with the terms of the Parties’ Settlement Agreement [Doc. 41-1]. Accordingly, the Parties agree that the Maximum Gross Settlement Amount in the Parties’ Settlement Agreement shall be increased by \$372,000 from \$1,427,000 to \$1,799,000 and that the Settlement Class List shall be amended to include the Inadvertently Omitted Class Members. The Parties further agree that that the Settlement Agreement shall be amended to reflect that the number of members in the Settlement Class shall be 1,799 and that the Net Settlement Fund shall be allocated equally among the 1,799 individuals in the Settlement Class. The Parties also agree that Section 2.1(d) of the Settlement Agreement shall be amended to reflect that within eighteen months of the Effective Date, Defendant shall pay into the Qualified Settlement Fund the amount of Four Hundred Forty Nine Thousand Dollars and No Cents (\$449,000.00).

5. The parties jointly stipulate and agree that each of the Inadvertently Omitted Class Members who wishes to receive the settlement payment described in the Parties’ Settlement Agreement should also be subject to and bound by a release and dismissal of claims consistent with the release provisions found in the parties’ Settlement Agreement.

6. The Parties’ Final Approval Hearing is currently set for October 28, 2020. As that was the date set forth on the 1,427 original notices, that Parties’ desire to keep this date.

7. So long as the Court promptly rules on this Motion, the settlement administrator will be able to provide the Inadvertently Omitted Class Members 42 days to object or opt out and still

keep the October 28, 2020 Final Approval Hearing date.

8. Based upon the above, the parties jointly stipulate and respectfully request that the Court enter an order that:

- a. The Settlement Class List referred to in the Preliminary Approval Order be amended to include the Inadvertently Omitted Class Members.
- b. The Settlement Agreement is amended as reflected in this Joint Motion for Order Upon Stipulation.
- c. The Settlement Administrator promptly send the approved Notice to the Inadvertently Omitted Class Members, consistent with the Court's Preliminary Approval Order.
- d. The Inadvertently Omitted Class Members are afforded 42 days to opt out or object to the settlement.

Dated: September 4, 2020

Respectfully submitted,

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Exhibit A**Inadvertently Omitted Class Members**

Ahmed	Abbasi
Dahveed	Adams
Shamone	Adams
Kimberly	Alexander
William	Alvarez
Aashin	Amin
Brandon	Amos
Berenice	Anaya
Miracle	Anderson
Constance	Anderson
Mitchell	Anderson II
Nicole	Arguello
Janessa	Avila
Ambur	Badford
Elena	Bakaluca
Jaizlyn	Baker
Tynazia	Baker
Tatiana	Balogun
merridian	banks
timothy	barfield
Rosario	Barrera
Caesar	Barrera
Elizabeth	Bartl
Catherine	Baskin
Cory	Bassam
Damarko	Bassett
Salvador	Bautista- Tiburcio
Ariana	Bekteshi
Inesse	Bencheikh
Odette	Benitez
Shekinah	Bennett
Danyelle	Benson
Carl	Benton
John	Beverly
Trisea	Bills
Leo	Blakemore
Ronald	Blanchette
Gavin	Blumenthal

Khalil	Bouchikhi
Jeffrey	Bowen
Jeff	Bradley
Brian	Brady
Ariel	Bragg
Ellington	Bramwell
Raygene	Brice
Julissa	Briones
Gabriela	Brockman
La Priest	Brown
Alex	Brumbaugh
Bernadette	Bunch
Demagea	Buntyn
Francisco	Bustos
Marcus	Cadette
Carlos	Carmona
Rafael	Caro
Arielle	Carr
Khalil	Carr
Giovanie	Casillas
Gustavo	Castaneda
Marvell	Castro
Alexandria	Charmoli
Kevyn	Christopher
juan	cielo
Guillermon	Cielo
Christopher	Cintron
Christopher	Clifton
Ronald	Confer
Gabriela	Contreras
John	Cooper
Francois	Cornelio
Ingrid	Corzo
Amber	Cowan
Karine	Cox
Gloria	Cruz
Matthew	Cunningham
Nikiya	Curling
Tawon	Dale
Rashuda	Dangerfield
Benjamin	Danneman-

	Watters
Justin	Davidson
Kenneth	davis
Ebony	Davis
James	Davis
Jacob	de Waard
Erwin	Dedios
Daisy	Delgado
Gustavo	Delgado
Alex	DeSart
Mark	DiRienzo
Mauricia	Donald
Ann	Doppes
Kiera	Dotson
James	Douthard
Jody	Drzewiecki
Jasmine	Dupree
Luis	Durand
kate	egan
Dawntaya	Eggleston
Natalia	Eraci
Alexis	Esparza
Maria	Espinoza
Jesus	Esquivel
Rossana	Estrada-Beltran
Ishana	Euring
Erika	Farias-Diaz
Kristopher	Fintikis
francisco	flores
Anthony	Floro
vincent	fluker
Deon	Foster
Tatianna	Foster
Denzel	Fountaine
Jonathan	Fullman
Gianna	Galioto
Blanca	Gallardo
bryan	garcia
Patricia	Garcia
Brandon	Gavin
Elena	Gerk

Kenyon	Gist
Kendall	Glennon
Colby	Glunt
Martae	Gohston
Maria	Gonzalez
Imad	Gordon
Katherine	Goss
Paige	Gowans-Smith
Penny	Grampton
Martrice	Grant
Katharine	Grathwol
James	Griffin
Saul	Gutierrez
Nykole	Guy
Sarah	Haggerty
DeAunna	Hammond
Rahiba	Haq
Jonathan	Hardy
Dilyleah	Harper
Corey	Harris
Calvin	Harris
Michael	Hatchett
Frances	Henderson
Irvin	Hernandez
Moises	Hernandez
Jorge	Hernandez
Nathaniel	Hill
Brendan	Hines
Lillian	Holden
Cinnamon	Hoskins
Javonte	Houston
Trayvonta	Houston
Jordin	Houston
james	hurms
Corey	Hutchen
Ashabi	Jackson
Kesean	Jarrett
david	jenkins
Keontrae	Johnson
Darnell	Johnson
Samuel	Jones

Terence	Jones
Timeka	Jones
brianna	jordan
James	Jordan
Precious	Kalenga
Alex	Kaptur Guzman
Alexandra	Kavanau
Keiara	Kelly
Anthony	Kennedy
Jenny	Kim
Cameron	Knox
Charles	Korban
Alia	Lahiani
manuel	laporte
Al	Laughlin
Karina	Lechuga
Jeriesha	Lee
Amanda	Lee
Anne	Leipold
Jeffery	Lenoir
Karola	Leverenz
Veronica	Levi
Gustavo	Lopez
Angel	Lopez Martinez
Bradly	Lowrey
Julius	Lucas
Michael	Lyon
Blakeney	Mack
Blakeney	Mack
Morgan	Macon-Riley
Javier	Maganda
Samantha	Mallett
Michelle	Marcy
Maria	Marin
Cody	Markham
Jamie	Markiewicz
Anthony	Marks
Javier	Martinez
Jesus	Martinez
Jayme	Massion
Sydnei	Matthews

Yazmine	Matthews
Bryan	Mayor
Michael	McCabe
Jazmine	Mcclain
Aaron	Mcdonald
Lauren	McGuire
Breanne	McWilliams
Eunice	Medina
Ingrid	Melendez
Darryl	Meneweather
Jamel	Miller
Jesus	Monsivais
Jaime	Montoya
ovirtus	moore-dunnon
Michael	Moran
Ulises	Moreno
Khyla	Morgan
Lionel	Morris
Aubrey	Muldrow
Brandi	Myles
David	Navor
Bailey	Neill
Jarett	Neuman
Lisa	Newton
Paris	Nguyen
Brianna	Nicks
Janvise	Noland
Akeila	Norood
Dragan	Novakovich
Sabiha	Nur
Ben	Obrieht
Ivan	Ocampo
Wallach	Ochart
ANTHONY	O'CONNELL
Jasmine	Ollins
Matthew	Olson
steve	o'neal
Juan	Ortega
Alex	Osorio
Francis	Owusu-Afriyie
Karoline	Pacheco

Victoria	Pancewicz
Johnnathen	paredes
Mario	Peerman
Dominique	Penn
Roberto	Peralta
Cieria	Perry
aaliyah	perryman
Angelica	Peterson
Alliyah	Phillips
Dominique	Phills
Stephanie	Platt
Richard	Porter
tracy	primm
Haley	Prosniewski
Dakarii	Pruitt-Glover
Dakarii	Pruitt-Glover
Sarah	Pryzgoda
Abraham	Ramirez
rogelio	ramirez
Norma	Ramirez
Brigitte	Ramirez
jorge	ramirez rodriguez
Milagros	Ramos
Natalie	Ramsey
Seniyah	Ray
Victoria	Razo
Jordyn	Reed
Santiago	Reyes
Emily	Rhea
Travis	Rhodes
dwayne	richardson
Sarah	Richmond
Omar	Rico
Darryll	Ridley
Crystal	Rios
Precious	Robinson
Troy	Robinson
Nakquet	Robinson
Juan	Roderiguez
Maricel	Rodriguez

Alejandra	Rodriguez
itzayana	Rodriguez
Miguel	Rodriguez
Camille	Rogers
Yahir	Romero
Chloe	Rubinowicz
Dennis	Ryce
Lincoln	Rzonca
julio	salazar
Hector	Saldana Jr
eric	salgado
Junior	Sanchez
Eduardo	Sanchez
Ajeet	Sandhu
Elyse	Santana
orlando	santos
Yolanda	Santoyo
Aaron	Sarabia
Terrell	Scott
Joshua	Scullark
shelby	seiter
Shanice	Selmon
Kandarp	Shah
Jason	Shelton
Allie	Shoemaker
Harini	Simhan
Andre	Simmons II
Andre	Simmons II
Vanessa	Sims
mannat	singh
Olivia	Skummer
chiyem	slaughter
Janean	Smith
Spencer	Smith
Adam	Smth
Adam	Smth
Darius	Snulligan-Stanley
Jose	Sosa
ivan	soto
Justin	spraggins

Keith	Steele
Heidi	Suazo
Husni	Sweiss
Nathan	Sykes
James	Szukala
Brandy	Takiguchi
Malik	Taleb
Arielle	Taylor
keithon	terry
Saliem	Tesfay
Michael	Thomas
Renata	Thompson
Meagan	Thompson
Sachi	Toepp
Rashun	Toomer
Maria	Trejo
Benjamin	Trestrail
Tierra	Tucker
Tiffany	Tucker
Danette	Tucker
Gerardo	Valencia
Alexander	Vasquez
Cristian	Velaskes
Hugo	Ventura
David	Villegas
Samuel	Vital
Tyshawn	Walsh
Lanell	Ware
Twyla	Ware
Royal	Washington
Ivan	Washington
Meaghan	Willette
Devin	Williams
Jrlani	Williams
Korey	Williams
Alisha	Williams
Kaylee	Williams
Lorenzo	Witherspoon
Damien	Woodard
Daniel	Woods
Shareef	Wright

Malcolm	Wright
Samesha	Young
Samtrail	Young
Thomas	Young
Veshawn	Young
V'osha	Young
Alexus	Young-Bey
Blake	Zebell
Abraham	Zepeda

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